

SB2822



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2822

Introduced 1/28/2010, by Sen. Heather Steans

SYNOPSIS AS INTRODUCED:

40 ILCS 5/1-155 new

Amends the Illinois Pension Code. Allows a designated domestic partner to qualify as a surviving spouse for purposes of survivor and death benefits. Effective immediately.

LRB096 17842 AMC 33210 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by adding
5 Section 1-155 as follows:

6 (40 ILCS 5/1-155 new)

7 Sec. 1-155. Domestic partner eligibility.

8 (a) Beginning July 1, 2010, an unmarried participant of any
9 pension fund or retirement system created under this Code may
10 designate a domestic partner by filing a written designation
11 with the pension fund or retirement system in the manner
12 prescribed by the pension fund or retirement system. The
13 pension fund or retirement system may require reasonable
14 evidence that the person designated meets the definition of
15 domestic partner set forth in subsection (c). Such a
16 designation is revocable at any time, but may not be made or
17 changed more than once in any 12-month period. The marriage of
18 a participant automatically revokes any designation of a
19 domestic partner previously made by that participant.

20 (b) The designated domestic partner of a participant shall
21 be eligible to receive survivor and death benefits under this
22 Code in the same manner and subject to the same conditions as a
23 surviving spouse. For the purposes of determining eligibility

1 for those benefits, the date of designation of a domestic
2 partner shall be deemed the equivalent of the date of marriage,
3 and the revocation or change of a designation shall be deemed
4 the equivalent of termination of the marriage. References in
5 this Code to a surviving spouse shall be deemed to include a
6 surviving designated domestic partner.

7 (c) For the purposes of this Section:

8 "Domestic partner" means an individual of the same gender
9 as an unmarried participant who (1) is at least 18 years of
10 age; (2) is involved with the participant in a long-term
11 relationship of indefinite duration; (3) has resided together
12 with the participant at the same address for at least 12
13 months; (4) is not related to the participant by blood to a
14 degree of closeness that would prohibit legal marriage in the
15 state in which they legally reside; (5) is not married to any
16 other person; and (6) has an exclusive mutual commitment to the
17 participant in which they agree to be jointly responsible for
18 each other's common welfare and to share financial obligations.

19 "Marriage" means a marriage under the laws of the State of
20 Illinois.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.